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PATENT

Atty. Docket No. 300-27 DIV III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Burgess et al. GROUP: Art Unit 2832
SERIAL NO.: 10/760,655 EXAMINER: Klaus, Lisa Nhung
FILED: January 17, 2004 Date: May 10, 2005
FOR: PRESSURE ACTUATED SWITCHING DEVICE
AND METHOD AND SYSTEM FOR MAKING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313

PETITION UNDER 37 C.F.R. §1.181
TO WITHDRAW HOLDING OF ABANDONMENT

Sirs:

A Notice of Abandonment dated April 14, 2005 (copy attached) was issued in this application for failure of applicant to timely pay the required issue and publication fees. This Petition is based upon the failure of applicant to receive the original Notice of Allowance and Fee(s) Due.

Certification under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, postpaid in an envelope, addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on May 10, 2005.

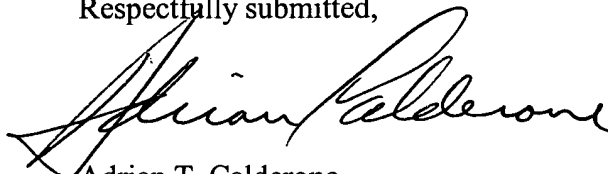
Dated: May 10, 2005

Maria Goldman
Maria Goldman

A search of the file jacket by the undersigned indicates that an Amendment in response to the Office Action of June 30, 2004 was mailed to the U.S. Patent and Trademark Office on August 27, 2004. After that, a Supplemental Notice of Allowability dated March 11, 2005 with an Examiner's amendment and indication of allowable subject matter was received in this office on March 15, 2005. After that, the next paper received from the U.S. Patent and Trademark Office was the Notice of Abandonment. Our records give no indication that the original Notice of Allowance and Fee(s) Due was ever received. In support of this a copy of the docket record is attached hereto. The last entry of the docket record relates to the two month due date for filing the Amendment discussed above. There is no indication any due date for payment of the issue/publication fees.

In view of the above, it is respectfully requested that the holding of Abandonment be withdrawn and that the Notice of Allowance and Fee(s) Due be remailed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adrian Calderone", written over a horizontal line.

Adrian T. Calderone
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ATC:mg



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,655

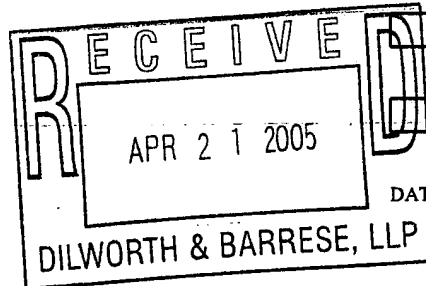
01/17/2004

Lester E. Burgess

300-27 DIV III

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28249 7590 04/14/2005
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EXAMINER

KLAUS, LISA NHUNG

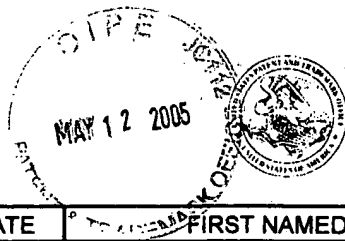
ART UNIT

PAPER NUMBER

2832

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10760655

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee by 37 CFR 1.18 is \$_____. The publication fee, if required, by 37 CFR 1.18(d) is \$_____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record; the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Client #	Matter #	Application Title	PRESSURE ACTUATED SWITCHING DEVICE AND METHOD AND SYSTEM FOR MAKING SAME	
300	27	DIV III		
Client Reference #		Serial #	Filing Date	Attorney
		10760655	1/17/2004	ATC
Client: Mr. Lester E. Burgess		Date Opened		1/15/2004
		Patent # / Registration #		
Comments		Issue Date		

Matter Type	Date Due	Attorney	Date Complete
IDS DUE	4/17/2004	ATC	4/13/2004
2 MO. OA	8/30/2004	ATC	8/30/2004